

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

FILED IN CLERK'S OFFICE

U.S.D.G. Rome

MAY - 3 2004

IN RE: TRI-STATE
CREMATORY LITIGATION

DOCKET NUMBER: 1467

LUTHER D. THOMAS, Clerk
By: *[Signature]* Deputy Clerk

**PLAINTIFFS' MOTION TO ADD STEPHEN MILLER AND ALVIS MILLER &
SON FUNERAL HOME, INC., AS DEFENDANTS**

The Plaintiffs request and move this Honorable Court to add Stephen Miller and Alvis Miller & Son Funeral Home, Inc., as Defendants to this class action. Stephen Miller and Alvis Miller & Son Funeral Home, Inc., were Defendants in the related litigation pending in the Superior Court of Whitfield County, specifically Partin et al. v. Tri-State Crematory, et al., Civil Action File No. 85,287-M ("Partin"). The Plaintiffs in that action, as well as Stephen Miller and Alvis Miller & Son Funeral Home, Inc., filed a Joint Motion seeking transfer of Defendants Stephen Miller and Alvis Miller & Son Funeral Home, Inc., to this litigation. Stephen Miller and Alvis Miller & Son Funeral Home, Inc., consent to joining this case as an individually named funeral home in this certified Plaintiffs' class action as defined by this court. The Partin Superior Court Order granting the Joint Motion to Transfer is attached as Exhibit "A" to this Motion.

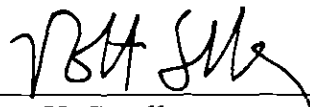
The addition of Stephen Miller and Alvis Miller & Son Funeral Home, Inc., as Defendants to this action will aid in the settlement of Plaintiffs' claims asserted against these Defendants, Stephen Miller and Alvis Miller & Son Funeral Home, Inc. To assist the Court, a draft Order is attached as Exhibit "B" to this motion.

Accordingly, the Plaintiffs respectfully request and move that the court add

Stephen Miller and Alvis Miller & Son Funeral Home, Inc., as Defendants to this action.

Respectfully submitted this 29th day of April, 2004.

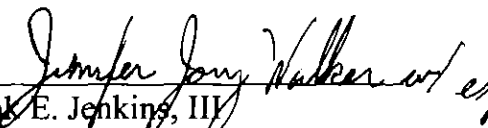
McCamby, Phillips, Tuggle &
Fordham, LLP

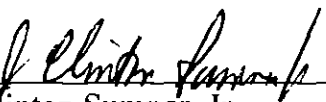
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By: 
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Georgia Bar No.: 692100
Attorneys for Stephen Miller and
Alvis Miller & Son Funeral Home, Inc.

IN THE SUPERIOR COURT OF WHITFIELD COUNTY
STATE OF GEORGIA

KAREN PARTIN and ZOE TYSON,
on behalf of themselves and others similarly
situated,

Plaintiffs,

VS.

CREMATORY DEFENDANTS:

TRI-STATE CREMATORY,
RAY BRENT MARSH,
CLARA MARSH,
RAY MARSH SR., (Deceased),

RHAMES LASHEA MARSH,
Individually and
D/B/A TRI-STATE CREMATORY
and TRI-STATE CREMATORY, INC.

FUNERAL HOME DEFENDANTS
AND FUNERAL HOME DIRECTORS:

ALVIS MILLER & SON FUNERAL HOME, INC.
and DIRECTOR - STEPHEN MILLER;
COCHRAN FUNERAL HOMES, INC.
and DIRECTOR - STEPHEN COCHRAN;
COLLINS FUNERAL HOME, INC.
and DIRECTORS - HARTLEY GRAY,
HOWARD COOK, DENNIS REEVES,
JAMES SOUTHERLAND;
FINCH FUNERAL HOME
and DIRECTOR - TREVOR WILSON,
MAX COCHRAN;
HAY-GANTT FUNERAL HOME, INC.
and DIRECTOR - HOWARD GANTT;
HELTON MORTUARY and
DIRECTOR - ERNEST SMITH;
HENRY-COCHRAN FUNERAL HOME

FILED & RECORDED
WHITFIELD COUNTY, GA.
2004 APR 27 PM 3 34
Robert H. Miller
CLERK OF SUPERIOR COURT

CIVIL ACTION FILE
NUMBER: 85,287-M

EXHIBIT # A

and DIRECTORS - MAX COCHRAN,
STEPHEN COCHRAN;
JEFF EBERHART FUNERAL HOME, INC.
and DIRECTOR - JEFFREY EBERHART;
LOGAN FUNERAL HOME and
DIRECTOR - JERRY BRYAN HENSLEY;
LYNN'S FUNERAL HOME and
DIRECTOR - BILLY MACK MONTGOMERY,
DOUGLAS FAIN SANDERS;
MAX BRANNON & SONS FUNERAL HOME
and DIRECTORS - JAMES E. BRANNON,
MAX RAY BRANNON, JAMES F. CARVER;
PONDERS FUNERAL HOME
and DIRECTORS - STONEWALL PONDERS,
JERRY BRYAN HENSLEY;
WINGFIELD FUNERAL HOME
and DIRECTOR - FRANCES A. WINGFIELD;
WRIGHT MEMORIAL MORTUARY, INC.
and DIRECTOR - JOE WRIGHT

and others yet unnamed,

DEFENDANTS.

ORDER

This matter is before the Court on the Joint Motion to Transfer the Claims against Defendants Stephen Miller and Alvis Miller & Son Funeral Home, Inc. to Pending Class Action. The federal class action at issues *In Re: Tri-State Crematory Litigation*, MDL Docket No. 1467, United States District Court for the Northern District of Georgia, Rome Division. According to the parties, this transfer will aid in settlement of Plaintiffs' claims asserted against this Defendant.

Pursuant to this motion, the Court grants the Joint Motion to Transfer Claims against Defendants Stephen Miller and Alvis Miller & Son Funeral Home, Inc. to Pending Federal Class Action. Defendants Stephen Miller and Alvis Miller & Son Funeral Home, Inc. is hereby dismissed from this case and any future pleadings. Specifically, the case style will reflect that

Alvis Miller and Alvis Miller & Son Funeral Home, Inc. is no longer a party to this action.

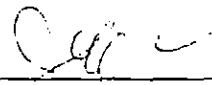
IT IS SO ORDERED this the 22nd day of April, 2004.



Honorable Cindy Morris, Judge
Conasauga Judicial Circuit


CONSENTED TO BY:

COPPEDGE & LEMAN, P.C.
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Dalton, Georgia 30720

By: 

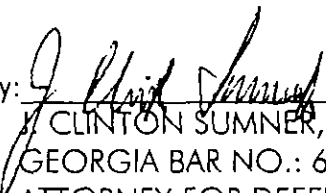
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

IN RE: TRI-STATE CREMATORY
LITIGATION

DOCKET NUMBER:
1467

ORDER

This matter is before the Court on the Plaintiffs' Motion to Add Stephen Miller and Alvis Miller & Son Funeral Home, Inc. as Defendants to this federal class action. Formerly, Stephen Miller and Alvis Miller & Son Funeral Home, Inc. were Defendants in Partin et al. v. Tri-State Crematory et al., Civil Action File No. 85,287-M, Superior Court of Whitfield County, State of Georgia.

Pursuant to this Motion and the Order granting the Transfer of these Defendants in the above-referenced Whitfield County case, the Court Grants the Plaintiffs' Motion and Adds Stephen Miller and Alvis Miller & Son Funeral Home, Inc. as Defendant to this Plaintiffs' class action.

IT IS SO ORDERED, this the ____ day of _____, 2004.

UNITED STATES DISTRICT JUDGE

EXHIBIT # B

CERTIFICATE OF SERVICE

This is to certify that I have this date served upon counsel in the above-captioned lawsuit a copy of the foregoing Joint Motion to Transfer Claims against Defendants Stephen Miller and Alvis Miller & Son Funeral Home, Inc. by depositing same in the United States Mail with proper postage affixed thereon and addressed to:

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This 29th day of April, 2004.

COPPEDGE & LEMAN, PC



JOSEPH T. LEMAN